

# COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: CP-51-CR-0002080-2012

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Nestor Aviles

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### CASE INFORMATION

Cross Court Docket Nos: 2608 EDA 2012

Judge Assigned: Berry, Willis W. Jr.

Date Filed: 02/16/2012

Initiation Date: 02/16/2012

OTN: N 770363-6

LOTN:

Originating Docket No: MC-51-CR-0044685-2011

Initial Issuing Authority: Harvey W. Robbins

Final Issuing Authority: Harvey W. Robbins

Arresting Agency: Philadelphia Pd

Arresting Officer: Watson, Duane A.

Complaint/Incident #:

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1125090981

### RELATED CASES

<u>Related Docket No</u>	<u>Related Case Caption</u>	<u>Related Court</u>	<u>Association Reason</u>
<b>Joined Codefendant Cases</b>			
CP-51-CR-0000980-2012	Comm. v. Baez, Miguel	CP-01-51-Crim	Same District Control Number

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>
Closed	10/07/2013	Completed	10/19/2011
	01/07/2013	Awaiting Trial	
	12/04/2012	Appeal Decided	
	11/26/2012	Awaiting Appellate Court Decision	
	11/21/2012	Interlocutory Appeal Decision	
	09/13/2012	Awaiting Trial	
	09/13/2012	Awaiting Interlocutory Appeal Decision	
	05/03/2012	Awaiting Trial	
	03/22/2012	Awaiting Pre-Trial Conference	
	03/01/2012	Awaiting Formal Arraignment	
	02/16/2012	Awaiting Filing of Information	

Complaint Date: 10/20/2011

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### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	03/07/2012	11:00 am	1104	Trial Commissioner Edward F. Keyser	Scheduled
Status Listing	03/22/2012	9:00 am	1005	Judge Ellen Ceisler	Scheduled
Pre-Trial Conference	04/18/2012	9:00 am	605	Judge Linda Carpenter	Scheduled
Scheduling Conference	05/03/2012	9:00 am	601	Judge Willis W. Berry Jr.	Scheduled
Trial	07/30/2012	9:00 am	601	Judge Willis W. Berry Jr.	Continued
Motions Hearing	08/17/2012	9:00 am	601	Judge Willis W. Berry Jr.	Scheduled
Trial	08/20/2012	9:00 am	601	Judge Willis W. Berry Jr.	Continued
Trial	10/05/2012	9:00 am	601	Judge William J. Mazzola	Continued
Trial	04/08/2013	9:00 am	601	Judge Kenneth J. Powell Jr.	Continued
Trial	04/08/2013	9:00 am	601	Judge William J. Mazzola	Moved
Trial	06/11/2013	9:00 am	601	Judge Kenneth J. Powell Jr.	Moved
Trial	10/07/2013	9:00 am	601	Judge Kenneth J. Powell Jr.	Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 07/25/1984      City/State/Zip: Philadelphia, PA 19133

Alias Name

Aviles, Neator  
Aviles, Nester

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Aviles, Nestor

### BAIL INFORMATION

<u>Aviles, Nestor</u>					<u>Nebbia Status: None</u>	
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	10/20/2011	Monetary	10.00%	\$7,500.00	Posted	10/20/2011

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F	35 § 780-113 §§A30	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	10/19/2011	N 770363-6
2	4	F	18 § 903 §§C	Conspiracy	10/19/2011	N 770363-6

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Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
3	3	M	35 § 780-113 §§A16	Int Poss Contr Subst By Per Not Reg	10/19/2011	N 770363-6
99999	2	F	18 § 903	Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	10/19/2011	N 770363-6

### DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
<b>Lower Court Proceeding (generic)</b>			
Preliminary Hearing	02/15/2012	Not Final	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Held for Court	F	35 § 780-113 §§ A30
3 / Int Poss Contr Subst By Per Not Reg	Held for Court	M	35 § 780-113 §§ A16
99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Held for Court	F	18 § 903
<b>Proceed to Court</b>			
Information Filed	03/01/2012	Not Final	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Held for Court	F	35 § 780-113 §§ A30
2 / Conspiracy	Replacement by Information	F	18 § 903 §§ C
3 / Int Poss Contr Subst By Per Not Reg	Held for Court	M	35 § 780-113 §§ A16
99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver Replaced by 18 § 903 §§ C, Conspiracy	Charge Changed	F	18 § 903
<b>Dismissed - Abatement</b>			
Trial	10/07/2013	Final Disposition	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Dismissed - Abatement	F	35 § 780-113 §§ A30
2 / Conspiracy	Dismissed - Abatement	F	18 § 903 §§ C
3 / Int Poss Contr Subst By Per Not Reg	Dismissed - Abatement	M	35 § 780-113 §§ A16
99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver Replaced by 18 § 903 §§ C, Conspiracy	Charge Changed	F	18 § 903

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### COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's  
Office  
Prosecutor

Supreme Court No:

Phone Number(s):  
215-686-8000 (Phone)

Address:

3 South Penn Square  
Philadelphia, PA 19107

### ATTORNEY INFORMATION

Name: Joseph C. Santaguida  
Private

Supreme Court No: 014549

Rep. Status: Active

Phone Number(s):  
215-893-0900 (Phone)

Address:

2nd Floor  
121 S Broad Street  
Philadelphia, PA 19107

Representing: Aviles, Nestor

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	02/16/2012		Court of Common Pleas - Philadelphia County
Held for Court			
3	02/16/2012		Amabile, Jennifer
Transferred from Municipal Court			
1	03/01/2012		Commonwealth of Pennsylvania
Information Filed			
3	03/22/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	03/22/2012		Commonwealth of Pennsylvania
Motion for Continuance			
ADA: Def. Atty: Joseph Santaguidan Court Clerk: Kathryn Morris			
Court not sitting. Discovery passed. No 49. Listed for pre-trial conference. NCD: 4/18/2012 room 605			
1	04/18/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
4	04/18/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
5	04/18/2012		Carpenter, Linda
Pre-Trial Conference Held			
Offer rejected. Defendant colloquied. List for scheduling conference 5/3/12 room 601.			
ADA: Robert Daisey		Atty: Joseph Santaguida	
DRT: Dorothy Sidberry		Court Clerk: Katrina Young for Linda Camp	
1	05/03/2012		Berry, Willis W. Jr.
Counsel Attached for Trial			
Court Order Atty.Joseph Santaguida attached for 1day in Rm.601 on 7/30/12			
2	05/03/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
4	05/03/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	05/03/2012		Berry, Willis W. Jr.
Scheduling Conference Held			
Defense Request - Waiver Trial. Commonwealth ready. Defense counsel attached for Trial. List for Motion and Waiver Trial - 7/30/12 - Room 601. Time ruled excludable.			
ADA/ED Jaramillo/Kate Brown		PD/Joseph Santaguida	
Steno/Nereida Luciano		Court Clerk/Mercedes Napoleon	
1	07/30/2012		Berry, Willis W. Jr.
Order Granting Motion for Continuance			
Defense's Motion to Suppress Granted NCD: 8/20/12 Rm. 601 for Commonwealth Appeal			
ADA: Emily Rodriguez DAtty: Joseph Santaguida Steno: Julie Davis Clerk: Jaleesa Brown			

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3	07/30/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
D1/1	08/08/2012		Philadelphia County District Attorney's Office
Motion to Reconsider Motion to Suppress.			
3	08/08/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
1	08/17/2012		Berry, Willis W. Jr.
Order Granting Motion for Continuance			
Defense Request - J. Santaguida unavailable today			
Cont'd 8/20/12 w/co-defendant for status of Commonwealth Appeal			
ADA: E. Rodriguez; PD: J. Krantz/J. Santaguida; Steno: J. Davis; Clerk: J. Misunas			
D2/1	08/20/2012		Berry, Willis W. Jr.
Motion for Reconsideration			
Motion to Suppress Evidence was granted on 7/30/12			
Commonwealth's Motion to Reconsider is Denied			
Cont'd for status of Appeal on 10/5/12 w/co-defendant			
ADA: E. Rodriguez; Def co: J. Santaguida/PD J. Krantz; Steno: J. Davis; Clerk: J. Misunas			
3	08/20/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
D4/1	09/13/2012		Philadelphia County District Attorney's Office
Statement of Matters Complained on Appeal			
D3/2	09/13/2012		Philadelphia County District Attorney's Office
Interlocutory Appeal to the Superior Court			
Order J. Berry			
file located			

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<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Philadelphia County District Attorney's Office	09/13/2012	First Class	
Santaguida, Joseph C.	09/13/2012	First Class	
-----			
D3A/3	09/13/2012		Philadelphia County District Attorney's Office
Motion for Transcripts			
7/30/12; 8/17/12; 8/20/12 (TRIAL)			
Berry, Willis W. Jr.	09/13/2012	First Class	
Santaguida, Joseph C.	09/13/2012	First Class	
-----			
2	10/05/2012		Court of Common Pleas - Philadelphia County
Hearing Notice			
-----			
3	10/05/2012		Mazzola, William J.
Order Granting Motion for Continuance			
Case continued for status of Commonwealth Appeal			
NCD: 4/8/13 Room 601			
ADA: E. Jaramillo ATTY: J. Santaguida STENO: L. Postiglione CLERK: K. Dandy			
-----			
1	11/07/2012		Court of Common Pleas - Philadelphia County
Preliminary Docket Entries Prepared			
-----			
2	11/07/2012		Court of Common Pleas - Philadelphia County
Transcript of Proceedings Filed			
7-30-12, 8-20-12 (MOT. VOL. 1)			
-----			
1	11/20/2012		Woods-Skipper, Sheila
Order Issued Pursant to Pa.R.A.P. 1925(b)			

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1	11/21/2012		Superior Court of Pennsylvania - Eastern District
Interlocutory Disposition from Superior Court			
2	01/07/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
1	04/08/2013		Powell, Kenneth J. Jr.
Order Granting Motion for Continuance			
Status of abatement			
ncd: 10/7/13 room 601			
ADA: Jaramillo, atty: Santaguida, Steno: Kaplan, Clerk: McCoach, Judge: Powell			
3	04/08/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
5	04/08/2013		Court of Common Pleas - Philadelphia County
Hearing Notice			
1	10/07/2013		Powell, Kenneth J. Jr.
Dismissed - Abatement			
ADA: Jaramillo, atty: Santaguida, Steno: Hemingway, Clerk: McCoach, Judge: Powell			
2	10/07/2013		Evers, Joseph H.
DL-21D to be Prepared			



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### CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

Aviles, Nestor Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
Bail Bond (Philadelphia)	\$10.00	\$0.00	-\$10.00	\$0.00	\$0.00
Costs/Fees Totals:	\$10.00	\$0.00	-\$10.00	\$0.00	\$0.00
Grand Totals:	\$10.00	\$0.00	-\$10.00	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated